

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0079

RONALD VAUGHN,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

MAY 24 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joseph P. Howard, counsel of record for Appellant, and respectfully requests an extension of time until July 30, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's second extension request for the opening brief. Opposing counsel has been contacted concerning this motion and does not object. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 21 day of May, 2010.

JOSEPH P. HOWARD, P.C.

Joseph P. Howard

P.O. Box 268

Great Falls, MT 59403

By: 

Joseph P. Howard

STATE OF MONTANA)
 : ss
County of Cascade)

I, Joseph P. Howard, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as a contract attorney.

2. In my capacity as a contract attorney, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief was first due on April 30, 2010. The brief is presently due on May 31, 2010.

4. As shown below, I have exercised diligence and have substantial need for the extension.

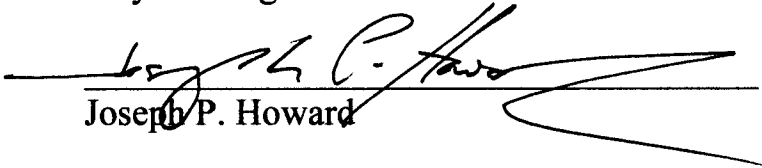
5. Due to my current workload and other pressing deadlines, I cannot meet the present deadline for filing Appellant's Opening Brief.

6. I have reply briefs in two other appellate cases due before May 31, 2010. I also have multiple postconviction relief proceedings that require briefing and substantial preparation.

7. I will work diligently to complete the matter in the time requested.

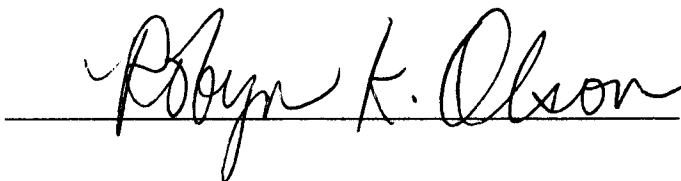
8. Opposing counsel has been contacted concerning this motion and does not object.

9. Further your affiant sayeth naught.



Joseph P. Howard

SUBSCRIBED AND SWORN to before me this 21st day of
May, 2010.



Robyn K. Olson

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

Eric Kitzmiller
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Ronald Vaughn
22502
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DATED: 5/21/10

